

COUNCIL PROCEEDINGS

REGULAR

December 3, 2013

7:00 p.m.

A meeting of the City Council, of the City of Gillette, County of Campbell, State of Wyoming, was held on Tuesday the 3rd day of December 2013, in the Council Chambers of City Hall, the regular meeting place of said Council in said City, pursuant to due notice and call. The Presiding Officer called the meeting to order and upon roll call the following were found to be present:

Council Members present: Louise Carter-King, Robin Kuntz, Ted Jerred, Kevin McGrath, Forrest Rothleutner, and Acting Mayor Opseth.

Staff present: J. Carter Napier, City Administrator; Charlie Anderson, City Attorney; Pamela L. Boger, Administrative Services Director; Kendall Glover, Utilities Director; Dustin Hamilton, Development Services Director; Jim Hloucal, Chief of Police; Tom Pitlick, Finance Director; Joe Lunne, Public Information Officer; Patti Davidsmeier, Community & Gov't Relations Manager; and Karlene Abelseth, City Clerk.

Appointment of Mayor

It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to appoint Council President Opseth as Mayor for the City of Gillette. Council President Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Carter-King, Kuntz, Jerred, McGrath, and Rothleutner. Council President Opseth abstained. The Presiding Officer declared the motion carried.

Swearing In Ceremony

Judge R. Douglas Dumbrill performed the Swearing in Ceremony for newly appointed Mayor John Opseth.

Invocation

Thereupon the following proceedings were had and taken. Reverend Judith England of Church of the Nazarene gave the Invocation.

Pledge of Allegiance

The Pledge of Allegiance was led by Councilman Kuntz.

Approval of General Agenda

The Presiding Officer called for approval of the General Agenda. It was moved by Councilwoman Carter-King and seconded by Councilman Jerred to approve the General Agenda. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Kuntz, Jerred, McGrath, Rothleutner, Carter-King, and Mayor Opseth. The Presiding Officer declared the motion carried.

The Presiding Officer called for approval of the Consent Agenda. The Consent Agenda consists of the following:

Approval of Minutes

Executive Session - November 4, 2013.

Pre-Meeting - November 19, 2013.

Regular Meeting - November 19, 2013.

Executive Session - November 19, 2013.
Special Meeting - November 25, 2013.

Ordinance Third Reading - Consent Agenda

ORDINANCE 3809

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 810 EAST 4TH STREET, AND LEGALLY DESCRIBED AS LOT 3, BLOCK 1, BIVENS ADDITION, FROM R-2, SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT TO C-1, GENERAL COMMERCIAL DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

New Business - Consent Agenda

Approval to write off bad debt on uncollectible utility accounts in the amount of \$3,673.63.

Bills and Claims

ADECCO EMPLOYMENT SERVICE	\$559.02
AFFILIATES IN COUNSELING	\$225.00
AIRGAS INTERMOUNTAIN	\$78.82
ALSCO	\$1,492.95
AMANDA MORRISON	\$100.00
ANDREANNA PIERCE	\$50.00
ARCHITECTURAL SPECIALTIES	\$735.80
ARROW PRINTING AND GRAPHI	\$153.80
AT & T MOBILITY NATIONAL	\$3,555.93
B & L OILFIELD SERVICE IN	\$11,125.00
BEAR'S NATURALLY CLEAN	\$558.03
BELLE FOURCHE VETERINARY	\$50.00
BIG D SANITATION	\$6,222.50
BLACK CAT CONSTRUCTION LL	\$96,865.59
BLACK HILLS POWER & LIGHT	\$319,551.56
BLUE CROSS BLUE SHEILD OF WYOMING	72,250.32
BRADLEY C NELSON	\$65.85
BRANDON PRICE	\$1,200.00
BRENT WILLIAMS	\$40.00
BRIAN & MELISSA HOPKINS	\$144.72
BRIGETTE DAVIS	\$142.48
BRUCE ENGINEERING SERVICE	\$16,620.00
BURNS AND MCDONNELL CORPO	\$170,559.09
CAMPBELL COUNTY CHAMBER O	\$9,015.75
CAMPBELL COUNTY CLERK OFF	\$4.50
CAMPBELL COUNTY COORDINATED	140.00
CAMPBELL COUNTY ENGINEERS	\$79,212.90
CAMPBELL COUNTY HOSPITAL	\$200.00
CAMPBELL COUNTY JOINT POW	\$171,641.50
CAMPBELL COUNTY PUBLIC LA	\$107,976.30
CAMPBELL COUNTY SENIOR CI	\$1,162.00
CAMPBELL COUNTY SHERIFF	\$3,500.00
CASPER STAR TRIBUNE	\$2,512.00
CATHY BARNEY	\$50.00
CDW GOVERNMENT INC	\$17,844.98
CENTURYLINK	\$2,958.04
CHILDREN'S HOME SOCIETY	\$125.00

CHRIS & AMANDA MCCLAREN	\$18.03
CITY OF GILLETTE	\$29,901.21
CITY OF GILLETTE - PETTY	\$147.47
CLAUDE AND KATHLEEN KISSA	\$2,000.00
COLLINS COMMUNICATIONS IN	\$3,326.00
CONCRETE CONSERVATION INC	\$13,345.00
CONTRACTORS SUPPLY INC	\$5,374.27
COORDINATED CARE PARTNERS	\$276.00
CRAIG FURMAN	\$50.00
CRESCENT ELECTRIC SUPPLY	\$857.88
DALE BUCKINGHAM ARCHITECT	\$7,425.00
DANA KEPNER COMPANY INC	\$122.40
DEE WEST	\$133.93
DENVER NEWSPAPER AGENCY	\$3,270.00
DEPARTMENT OF TREASURY -	\$196,465.18
DESIGN CONSTRUCTION	\$28,134.88
DOUG DUMBRILL	\$7,921.71
E M BUILDERS	\$13.14
EARTH WORK SOLUTIONS	\$14,140.00
EDGE CONSTRUCTION SUPPLY	\$213.50
EDGE ELECTRIC, INC	\$370.40
EFLEXGROUP.COM INC	\$6,365.70
ENERGY LABORATORIES INC	\$992.00
ERIN BRANTLEY	\$20.06
EXPRESS SCRIPTS INC	12,829.79
FAMILY HEALTH	\$492.00
FARMER BROTHERS COMPANY	\$901.59
FARMER CO-OP	\$3,490.83
FASTENAL COMPANY	\$751.58
FELECIA MOELTER	\$89.00
FIRST AMERICAN TITLE	\$3,958.00
FIRST INTERSTATE BANK OF	\$128.95
FORCE AMERICA INC	\$177.98
G & G LANDSCAPING INC	\$3,800.00
GARNEY WYOMING INC	\$250,362.41
GARRETT FREI	\$150.00
GEORGE SUCHOR	\$100.00
GILLETTE WINNELSON COMPAN	\$3,090.75
GOURMET ON THE GO LLC	\$144.00
GOVCONNECTION	\$13,612.80
HACH COMPANY	\$1,880.14
HALL SIGNS	\$732.00
HD SUPPLY POWER SOLUTIONS	\$80,296.46
HDR ARCHITECTURE INC	\$4,411.64
HEWLETT PACKARD	\$597.00
HILLCREST SPRING WATER IN	\$142.00
HKM ENGINEERING	\$24,796.25
HLADKY CONSTRUCTION	\$4,937.99
HOMAX OIL	\$34,408.86
ICMA RETIREMENT TRUST 457	\$6,768.85
INTER-MOUNTAIN LABS INC	\$20.00
IT OUTLET INC	\$26,669.93
ITRON INC	\$1,636.89
JANDY SHACKELFORD	\$700.00

JENNIFER IVORY	\$50.00
JIM BROWN	\$86.44
JOHN FRANZ	\$382.16
JONATHAN R. AND KRISTIN F	\$2,000.00
JORDAN GLICK	\$100.00
JS FOSTER CORPORATION	\$2,335.00
KIMBALL EQUIPMENT COMPANY	\$555.93
KIRK LUNGREN	\$33.93
KOIS BROTHERS EQUIPMENT C	\$90.83
KRIZ-DAVIS COMPANY	\$8,239.28
LAYNE CHRISTENSEN COMPANY	\$466,134.95
LYLE SIGNS INC	\$295.83
MAVERIK SOUTH	\$12.16
MCM GENERAL CONTRACTORS	\$3,294.71
MICHAEL'S CONSTRUCTION IN	\$1,747.94
MOLLY BROWN	\$74.00
MORRISON MAIERLE INC	\$18,584.49
MUNICIPAL ENERGY AGENCY O	\$506,550.05
NORCO INC	\$4,670.12
ONE CALL OF WYOMING COPR	\$258.00
OVERHEAD DOOR CO OF GILLE	\$512.80
OWEN KIMBERLING	\$64.42
PC NATION	\$1,448.88
PCA ENGINEERING INC	\$845.20
PINKERTON CONSULTING & IN	\$61.85
POKEYS BBQ	\$248.75
POLISHED SALON & SPA	\$209.14
POWDER RIVER CONSTRUCTION	\$98,015.00
POWDER RIVER ENERGY CORPO	\$16,273.12
POWDER RIVER HEATING & CO	\$2,377.85
POWDER RIVER OFFICE SUPPL	\$5,118.46
PRO BUILT HOMES INC	\$42,005.00
PROELECTRIC INC	\$26,808.24
PUBLIC AGENCY TRAINING CO	\$525.00
RAILROAD MANAGEMENT CO LL	\$146.16
RANDI LAATSCH	\$150.00
RAPID CITY JOURNAL	\$1,340.00
RED TIGER WELL SERVICE	\$1,498.00
ROBERT TESDALL	\$200.00
S & S BUILDERS	\$6,090.00
S D MYERS INC	\$132.00
SAFETY-KLEEN SYSTEMS INC	\$588.45
SALT LAKE WHOLESALE SPORT	\$7,000.00
SARGENT DRILLING COMPANY	\$61,507.00
SARGENT DRILLING COMPANY	\$13,034.72
SMYLIE ANIMAL CLINIC	\$50.00
SOURCEGAS	\$13,101.87
SPIEGEL & MCDIARMID LLP	\$1,200.00
STOTZ EQUIPMENT	\$37.39
SUSAN LEMPKA	\$200.00
SWEET DELIVERIES	\$293.00
TAMBY CLAWSON	\$91.14
THAT EMBROIDERY PLACE	\$34.98
TIMM HANSEN	\$42.00

TOM MURPHY	\$154.82
TOM PITLICK	\$211.11
TRAFFIC PARTS INC	\$138.00
TWO M COMPANY INC	\$2,418.00
TYLER TECHNOLOGIES INC	\$4,808.64
UNDERWRITERS LABORATORIES	\$174.00
UNIVERSITY OF WYOMING TEC	\$180.00
US GEOLOGICAL SURVEY	\$17,580.00
WACHS WATER SERVICES	\$54,970.00
WAL-MART	\$80.46
WESCO DISTRIBUTION INC	\$28,135.00
WESTERN STATIONERS	\$2,343.00
WYODAK RESOURCES DEV	\$206,850.63
WYOMING DEPT OF TRANSPORT	\$5.37
WYOMING HIGH SCHOOL ACTIV	\$500.00
WYOMING RED ROCK	\$6,050.00
WYOMING STATE REVENUE AND	\$94,056.75
WYOMING WATER SOLUTIONS	\$27.00
WYOMING WATER SOLUTIONS	\$135.00
WYOSTAR	\$2,515,929.48
YATES PETROLEUM CORP	\$60.00
YOUNG LIFE	\$385.06
ZIGRAY BUILDING SOLUTIONS	\$5,309.00
ZOETIS INC	\$378.50

It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to approve the Consent Agenda. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Jerred, McGrath, Rothleutner, Carter-King, Kuntz, and Mayor Opseth. The Presiding Officer declared the motion carried.

Approval of Conflict Claims

It was moved by Councilman Jerred and seconded by Councilman McGrath to approve a conflict claim for Councilwoman Carter-King in the amount of \$5,118.46 to Powder River Office Supply for office supplies. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: McGrath, Rothleutner, Kuntz, Jerred, and Mayor Opseth. Councilwoman Carter-King abstained. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to approve a conflict claim for Councilman Kuntz in the amount of \$6,050 to Wyoming Red Rock for branch clean up. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Rothleutner, Carter-King, Jerred, McGrath, and Mayor Opseth. Councilman Kuntz abstained. The Presiding Officer declared the motion carried.

Oral Comments - For the Good of the Community

The Mayor and Council recognized Chris Aaberg for 25 years of service to the City of Gillette.

The Mayor and Council recognized Officer Zach Parker as the 2013 Third Quarter P.R.I.D.E. recipient.

The Mayor and Council recognized Colton Porter of Wagonwheel Elementary School, and Art Teacher, Mrs. Nordeen, as the 2013 Christmas Pin Contest Winner.

Public Information Officer Lunne gave a video presentation of past and upcoming events around the community.

Public Comments

Council President Opseth asked for public comments. There were none.

Council Reports

Council President Opseth asked for Council reports. There were none.

Written Comments

Council President Opseth asked for written comments. City Clerk Abelseth reported that Jim Foster and Len Heimann sent in comments in regards to their opposition to the proposed consultation services agreement with Tom Murphy.

Ordinance Third Reading

ORDINANCE 3810

AN ORDINANCE TO AMEND SECTION 3-3 OF THE GILLETTE CITY CODE TO
EXTEND THE REQUIREMENT OF ALCOHOL SERVER TRAINING TO ALL ALCOHOL
SERVER STAFF

It was moved by Councilman Rothleutner and seconded by Councilman Kuntz to approve the foregoing Ordinance on third and final reading. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Rothleutner, Carter-King, Kuntz, Jerred, McGrath, and Mayor Opseth. The Presiding Officer declared the motion carried.

Ordinance First Reading

ORDINANCE 13-30

AN ORDINANCE TO AMEND SECTION 5-I-3 B.(4) OF THE GILLETTE CITY CODE
TO REVISE TABLE R301.2 (1), CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA
CONCERNING WIND SPEEDS AND WIND LOADS

It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to approve the foregoing Ordinance on first reading. Mayor Opseth asked for an explanation in regard to the request. City Administrator Napier explained that this is a revision to the tables in regard to the climatic and geographic design criteria as it relates to wind speeds and loads. After the explanation, roll was called on the motion with the following results. Council Members voting aye: Carter-King, Kuntz, Jerred, McGrath, Rothleutner, and Mayor Opseth. The Presiding Officer declared the motion carried.

ORDINANCE 13-31

AN ORDINANCE TO AMEND SECTION 5-III-3 OF THE GILLETTE CITY
CODE TO REVISE CONTRACTOR LICENSING REGULATIONS CONCERNING
THE MASTER OF RECORD

It was moved by Councilman Rothleutner and seconded by Councilman McGrath to approve the foregoing Ordinance on first reading. Mayor

Opseth asked for an explanation in regard to the request. City Administrator Napier explained that this is a revision in the code that will allow more flexibility with regard to those who would be considered Master of Record. After the explanation, roll was called on the motion with the following results. Council Members voting aye: Kuntz, Jerred, McGrath, Rothleutner, Carter-King, and Mayor Opseth. The Presiding Officer declared the motion carried.

ORDINANCE 13-32

AN ORDINANCE PROVIDING FOR THE VACATION OF THE WATER AND SANITARY SEWER EASEMENTS ON LOTS 2-12, BLOCK 9 AND 2-10, BLOCK 1, RESUBDIVISION OF BLOCKS 1 & 9, NORTHLAND VILLAGE MOBILE HOME PARK, NOW FIRST FILING, PHASE IV AND LOT 1A, BLOCK 1, RESUBDIVISION OF LOT 1, BLOCK 1 AND LOT 13, BLOCK 9, NORTHLAND VILLAGE MOBILE HOME PARK, FIRST FILING, PHASE IV AS SHOWN ON THE EXHIBIT "A", "B" and "C" MAPS, IN THE CITY OF GILLETTE, WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS

It was moved by Councilwoman Carter-King and seconded by Councilman Rothleutner to approve the foregoing Ordinance on first reading. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Jerred, McGrath, Rothleutner, Carter-King, Kuntz, and Mayor Opseth.

New Business

It was moved by Councilwoman Carter-King and seconded by Councilman Jerred to approve a bid award for the Providence Park Drainage Project to DRM, Inc., in the amount of \$38,675.25. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: McGrath, Rothleutner, Carter-King, Kuntz, Jerred, and Mayor Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilman Kuntz and seconded by Councilman Rothleutner to accept development improvements for the Twin Spruce Junior High School Water Improvements Project installed by DRM, Inc., on behalf of the developer, Campbell County School District #1. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Rothleutner, Carter-King, Kuntz, Jerred, McGrath, and Mayor Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilwoman Carter-King to accept public improvements for the McManamen Park Pathway Project installed by Powder River Construction, Inc., in the amount of \$782,649.12. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Carter-King, Kuntz, Jerred, McGrath, Rothleutner, and Mayor Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilman Kuntz to approve a bid award for Donkey Creek Substation Foundations to Michael's Construction, Inc., in the amount of \$54,523. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Kuntz, Jerred, McGrath, Rothleutner, Carter-King and Mayor Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman Rothleutner to approve an agreement to amend EBS Long Term De Facto

Transfer Lease Agreement. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Jerred, McGrath, Rothleutner, Carter-King, Kuntz, and Mayor Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilman Jerred and seconded by Councilman McGrath to approve an agreement with Tom Murphy for consultation services through the end of 2014. Mayor Opseth asked for discussion. Sterling Albers and Dave Allison both expressed their opposition concerning the agreement. After the discussion, roll was called on the motion with the following results. Council Members voting nay: McGrath, Rothleutner, Carter-King, Kuntz, Jerred, and Mayor Opseth. The Presiding Officer declared the motion defeated.

Appointments

It was moved by Councilman Jerred and seconded by Councilman McGrath to appoint Councilwoman Carter-King as Council President for 2014 and the remainder of 2013. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Rothleutner, Kuntz, Jerred, McGrath, and Mayor Opseth. Councilwoman Carter-King abstained. The Presiding Officer declared the motion carried.

Administrator's Report

Mayor Opseth asked for an Administrator's Report. City Administrator Napier announced the vacancy for the Ward II Council Seat. He then stated that it would be appropriate to open the application process on Wednesday, December 4, 2013, in order to accept applications for the vacancy. He went over the schedule for the application and interview process, and recommended that Council appoint the chosen applicant at the January 7, 2014 regular meeting.

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 7:33 p.m. The next regularly scheduled meeting will be Tuesday, December 17, 2013.

John Opseth, Mayor

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk

Publication date: December 11, 2013